

REMARKS

By this Amendment, Applicant amends claims 1 and 3 and cancels claim 2. Thus, claims 1 and 3-7 are pending. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Ilan in the November 12 personal interview and the November 18, November 29, November 30, and December 2 telephone interviews (hereinafter "the interviews"). Applicant's separate record of the substance of the interviews is incorporated into the following remarks.

During the interview, Examiner Ilan indicated that the amendments to claims 1 and 3 would be entered if submitted in a Supplemental Amendment. Thus, Applicant respectfully requests entry of the amendments.

The July 1 Office Action rejects claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully traverses the rejection.

By this Amendment, claim 2 is canceled. Thus, Applicant respectfully requests that the rejection be withdrawn.

The July 1 Office Action rejects claims 1-7 under 35 U.S.C. §102(b) over JP 2000-127885 A to Mitsuyoshi et al. (hereinafter "Mitsuyoshi"). Applicant respectfully traverses the rejection.

By this Amendment, claim 2 is canceled. Thus, Applicant respectfully requests that the rejection of claim 2 be withdrawn.

With respect to claims 1 and 3-7, Mitsuyoshi does not disclose, teach, or suggest "a plurality of gas outlets provided in the gas distribution pipe and opened in at least a first and second peripheral direction along the gas distribution pipe, each of the first and second peripheral directions corresponding to a respective first and second region of the gas distribution pipe, each of the first and second regions defined by an expected resistance of an interior member against deployment of the airbag," as recited in amended claim 1. Support

for amended claim 1 may be found at least in paragraphs [0004], [0005], [0007], [0008], [0031], [0032], [0035], [0036], [0038], and [0039] and Figs. 4 and 5.

The July 1 Office Action first alleges that openings 76 and 74a in Fig. 8 of Mitsuyoshi disclose a plurality of gas outlets provided in the gas distribution pipe and opened in different directions depending on a region of the airbag. However, opening 74a is the end of inner tube 74 and thus cannot reasonably be considered to be in a peripheral direction along the gas distribution pipe, as recited in amended claim 1.

The July 1 Office Action further alleges that the plurality of openings 76 in Fig. 8 of Mitsuyoshi alone disclose a plurality of gas outlets provided in the gas distribution pipe and opened in different directions depending on a region of the airbag. Fig. 8 of Mitsuyoshi seems to show that the plurality of openings 76 are randomly scattered in more than one direction across the periphery of inner tube 74. However, there is no indication from Fig. 8 or the disclosure of Mitsuyoshi that the direction of the openings is anything but random or in an arbitrary pattern. Paragraphs [0036] - [0040] of Mitsuyoshi disclose only that the openings 76 are drilled in inner tube 74 and do not address the direction of the openings 76.

Furthermore, that portion of Mitsuyoshi discloses that the expansion of the airbag body can be controlled by the number and magnitude of the openings 76; however, Mitsuyoshi is silent with respect to the direction of the openings 76. Thus, Mitsuyoshi cannot reasonably be considered to disclose that the direction of openings 76 has any effect whatsoever on the performance of the airbag body or that the direction of the peripheral openings in any region of the gas distribution pipe were at all considered in the design.

Because Mitsuyoshi cannot reasonably be considered to disclose that the direction of openings 76 has any effect whatsoever on the performance of the airbag body, the direction of the openings 76 must be considered random or in an arbitrary pattern. Accordingly, Mitsuyoshi cannot reasonably be considered to disclose, teach, or suggest that each of the first

and second peripheral directions correspond to a respective first and second region of the gas distribution pipe, and that each of the first and second regions are defined by an expected resistance of an interior member against deployment of the airbag, as recited in amended claim 1.

Because, Mitsuyoshi does not disclose, teach, or even suggest " a plurality of gas outlets provided in the gas distribution pipe and opened in at least a first and second peripheral direction along the gas distribution pipe, each of the first and second peripheral directions corresponding to a respective first and second region of the gas distribution pipe, each of the first and second regions defined by an expected resistance of an interior member against deployment of the airbag," claim 1 is patentable over Mitsuyoshi. Further, Applicant respectfully asserts that claims 3-7 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Thus, Applicant respectfully requests withdraw of the rejection.

During the interviews, Examiner Ilan expressed two concerns regarding Applicant's amendments. First, Examiner Ilan expressed concern that the phrase "defined by an expected resistance of an interior member against deployment of the airbag" in claim 1 may be indefinite. Applicants respectfully traverse this assertion.

Claim language is considered definite if it sets out and circumscribes a particular subject matter with a reasonable degree of clarity and particularity (MPEP §2172.02). The Federal Circuit has interpreted this requirement as whether the claim apprises one of ordinary skill in the art of its scope and, therefore, provides clear warning to others as to what constitutes infringement (see, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379 (Fed. Cir. 2000). Definiteness of claim language must be analyzed in light of the disclosure (MPEP §2172.02).

Claim 1 recites, in part, “a plurality of gas outlets provided in the gas distribution pipe and opened in at least a first and second peripheral direction along the gas distribution pipe, each of the first and second peripheral directions corresponding to a respective first and second region of the gas distribution pipe, each of the first and second regions defined by an expected resistance of an interior member against deployment of the airbag.” Examiner Ilan expressed concern that the underlined portion may be indefinite. That portion recites that the first and second regions are defined by an expected resistance of an interior member against deployment. Thus, any portion of a gas distribution pipe wherein an interior member would be expected to resist the deployment of an airbag differently than another portion may be considered a region. In at least paragraphs [0038] and [0039] of the specification, it is clearly explained how interior members may resist the deployment of an airbag. Thus, claim 1 sets out and circumscribes the claimed subject matter with a reasonable degree of clarity and particularity.

Second, Examiner Ilan expressed concern that there may not be adequate written description for claim 3 since she felt that claims 1 and 3 may be disclosed as alternative configurations rather than part of a single design concept. Applicants respectfully traverse this assertion.

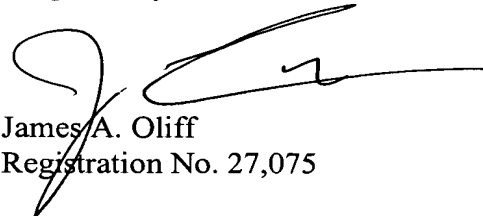
There is no requirement that any one group of claims be directed to a single embodiment or design concept unless, for example, the embodiments or design concepts claimed together are specifically disclosed as mutually exclusive. The features recited in claims 1 and 3 are not disclosed as mutually exclusive. In fact, they are specifically disclosed as part of the same aspect of the invention (see paragraphs [0006] and [0007] where the features of claims 1 and 3 are disclosed as part of a “first aspect” of the invention). When voicing her concern, Examiner Ilan relied on paragraph [0039] as disclosing an alternative embodiment to that of the first exemplary embodiment. However, paragraph [0039] is an

explanation of the broader principles underlying that exemplary embodiment and does not explicitly disclose or even implicitly suggest that the subject matter of paragraph [0039] is in any way a mutually exclusive alternative embodiment or design concept from the first exemplary embodiment or any other exemplary embodiment. Accordingly, claims 1 and 3 are adequately described in the specification as related configurations.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1 and 3-7.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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